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Barbara Haggerty

Name

Barbara Haggerty

Signature

August 13, 2002

Date of Signature

AF/360P
Patricia Lewis
#15/req
for
reconsideration
8-24.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT COOPERATION TREATY

Applicant(s): Andreas METELSKI et al. Atty Ref: 288.999651
Serial No.: 09/423916 Group Art Unit: 3632
Filing Date: 28-Feb-2000 Examiner: Steven Marsh
Title: MICROSCOPE STAND, ESPECIALLY FOR A SURGICAL MICROSCOPE
(as amended)

RESPONSE TO FINAL OFFICE ACTION

RECEIVED

AUG 22 2002

GROUP 360C

Box AF
Commissioner for Patents
Washington, D.C. 20231

Honorable Sir:

This Response is in reply to the final Office Action dated July 16, 2002 in the above-identified application.

Allowable Subject Matter

The indication of allowable subject matter in Claim 43 is acknowledged with

REAGAN LAMING

WSP QUARRIE

thanks.

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Request for Reconsideration

Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 14-42, 44 and 45 under 35 U.S.C. 103(a). Independent Claim 14 is respectfully considered to be patentable over the references of record as discussed below.

Claim 14 is rejected based on Tigliev in view of Motoda in further view of Schaefer et al. As stated at page 5 of the final Office Action, the Motoda reference was used as a teaching for tubular support members on the microscope stand taught by Tigliev. As further discussed at page 5 of the final Office Action, the teaching from Schaefer et al. of surrounding aluminum with fiber reinforced plastic is being utilized in the stand taught having tubular support members (Tigliev + Motoda). The conclusion reached in the final Office Action is stated at page 5: “The support members of Tigliev in view of Motoda would be tubular and therefore the aluminum surrounded by a fiber reinforced plastic would result in concentric tubes.” Applicants respectfully disagree with this conclusion, and find that the combination would lead one skilled in the art to construct support members having an outer tubular shell of fiber-reinforced plastic surrounding an inner non-tubular aluminum extruded profile. After all, there is no mention in Motoda that tubular member 36 surrounds another tube in concentric arrangement. In fact, the references, taken alone or in combination, do not teach or suggest concentric tubes at all. Thus, applicants are of the firm and respectful opinion that Claim 14, and Claims 15-45 depending therefrom, are patentable over the cited references. On this basis, favorable reconsideration of the present application is earnestly sought.

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Conclusion

Applicants look forward to receiving a Notice of Allowance or an early Advisory Action in the present application. If the Examiner has any questions, or considers an interview with Applicants' attorneys would help to expedite prosecution, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,

HODGSON RUSS LLP

By

George L. Shyder, Jr.
Reg. No. 37,729

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 856-4000
DATE: August 13, 2002

GLS/